



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/688,694

10/17/2000

Christopher R Lefebvre

47004.000062

2049

21967

7590

09/08/2006

HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

EXAMINER

BOVEJA, NAMRATA

ART UNIT

PAPER NUMBER

3622

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/688,694

Applicant(s)

LEFEBVRE ET AL.

Examiner

Namrata Boveja

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to communication filed on 06/27/2006.
2. Claims 19, 22-29, and 32-38 are presented for examination.
3. Amendments to claims 19 and 29 have been entered and considered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 19, 22-29, and 32-38 are rejected under U.S.C. 103(a) as being unpatentable over McCausland in view of the article titled "Forging a Link Between Retention and Profits" by Steve Gasner, published in *Credit Card Management* in April 1992 in volume 5, issue 1, and page 84 (hereinafter Gasner).

In reference to claims 19, McCausland teaches a computer implemented method (i.e. a churn amelioration method) and system for providing one or more tailored incentives to a customer in response to a customer request (i.e. reactive), the computer implemented method and system comprising the steps of: receiving a request from a customer (i.e. a customer initiated reactive request) wherein the request is received by a provider or provider representative (i.e. ORÜ) (abstract, col. 3 lines 62-65, col. 11 lines 40-46, col. 14 lines 1-6, col. 15 lines 1-4, and Figure 7), retrieving account data associated with the customer in

Art Unit: 3622

response to the request where the account data is displayed on a graphical user interface (col. 3 lines 66 to col. 4 lines 49, col. 13 lines 15-29, and Figures 1 and 11), wherein the account data is verified for the customer (col. 5 lines 49-54 and col. 11 lines 40-51), identifying the request as a request type *from a list of predetermine request types (i.e. what type of a problem a customer is experiencing)* (col. 8 lines 49 to col. 9 lines 54 and Table 2), at a type module, where the request type identifies the customer's current situation (col. 4 lines 17-22, col. 8 lines 49 to col. 9 lines 54, Table 2, and Figure 11); identifying the customer as a customer segment (i.e. based on a vulnerability factor), at a customer segment module, where the customer segment identifies the customer's past behavior (col. 4 lines 17-33, col. 5 lines 55-col. 7 lines 20, col. 13 lines 15-29, and Figure 11), identifying one or more incentives at an incentive module based on the request type (i.e. problem type) at the customer segment and one or more profitability factors (i.e. customer worth or value) associated with the provider of the one or more incentives, and offering the customer at least one of the identified one or more incentives for retaining the customer in response to the request (col. 13 lines 15-29 and 53-67, Table 1, and Figures 11 and 12), wherein the request is a request to terminate a relationship with the provider (i.e. contract end is one of the problem factors for which customers call ORU's) (col. 8 lines 49 to col. 9 lines 54, col. 13 lines 15-29, col. 14 lines 44 to col. 15 lines 4, Table 2, and Figure 11); *wherein the steps of identifying the request as a request type (i.e. what type of a problem a customer is experiencing)* (col. 8 lines 49 to col. 9 lines 54 and Table 2), identifying the

Art Unit: 3622

customer as a customer segment (i.e. how vulnerable is the customer, what's the customer worth (col. 10 lines 62-64 and col. 13 lines 53-67), and how serious are the customer problems is the type of information that can be utilized to segment customers) (col. 12 lines 4-63), and identifying one or more incentives are performed in response to the step of receiving a request from a customer (i.e. based on what type of a problem reports he is having by calling, solutions such as free minutes or a free battery pack may be offered) (col. 13 lines 53-60 and col. 14 lines 22-27).

McCausland does not teach the method wherein the one or more incentives comprise a product or service offered by a financial institution. Gasner teaches the customer retention method wherein the one or more incentives comprise a product offered by a financial institution (page 3 lines 18-21). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify McCausland to include providing products offered by a financial institution as retention incentives if McCausland's method was implemented to solve the retention problem for a financial services company instead of a cellular company, since at that time, financial services incentives would be more valuable retention tools to those customers rather than cellular services related incentives.

5. In reference to claims 29, McCausland teaches a computer-implemented system (i.e. a churn amelioration system) for providing one or more tailored incentives to a customer in response to a customer request (i.e. reactive), the computer implemented system comprising: a graphical user interface that

Art Unit: 3622

displays account data associated with a customer (Figure 11), in response to a request from a customer (i.e. a customer initiated reactive request), wherein the request is received by a provider or provider representative (i.e. ORU) (abstract, col. 3 lines 62-65, col. 11 lines 40-46, col. 14 lines 1-6, col. 15 lines 1-4, and Figure 7) and wherein the account data is verified for the customer (col. 5 lines 49-54 and col. 11 lines 40-51), a type module for identifying the request as a request type *from a list of predetermine request types (i.e. what type of a problem a customer is experiencing)* (col. 8 lines 49 to col. 9 lines 54 and Table 2), where the request type identifies the customer's current situation (col. 4 lines 17-22, col. 8 lines 49 to col. 54, Table 2, and Figure 11), a customer segmentation module for identifying the customer as a customer segment (i.e. based on a vulnerability factor), where the customer segment identifies the customer's past behavior (col. 4 lines 17-33, col. 5 lines 55-col. 7 lines 20, col. 13 lines 15-29, and Figure 11), and an incentive module for identifying one or more incentives based on the request type (i.e. problem type), the customer segment and one or more profitability factors (i.e. customer worth or value) associated with a the provider of the one or more incentives and wherein the customer is offered at least one of the identified one or more incentives for retaining the customer in response to the request (col. 13 lines 15-29 and 53-67, Table 1, and Figures 11 and 12), wherein the request is a request to terminate a relationship with the provider (i.e. contract end is one of the problem factors for which customers call ORU's) (col. 8 lines 49 to col. 9 lines 54, col. 13 lines 15-29, col. 14 lines 44 to col.15 lines 4, Table 2, and Figure 11); *wherein the steps of*

Art Unit: 3622

identifying the request as a request type (i.e. what type of a problem a customer is experiencing) (col. 8 lines 49 to col. 9 lines 54 and Table 2), identifying the customer as a customer segment (i.e. how vulnerable is the customer, what's the customer worth, and how serious are the customer problems is the type of information that can be utilized to segment customers) (col. 12 lines 4-63), and identifying one or more incentives are performed in response to the step of receiving a request from a customer (i.e. based on what type of a problem reports he is having by calling, solutions such as free minutes or a free battery pack may be offered) (col. 13 lines 53-60 and col. 14 lines 22-27).

McCausland does not teach the system wherein the one or more incentives comprise a product or service offered by a financial institution. Gasner teaches the customer retention method wherein the one or more incentives comprise a product offered by a financial institution (page 3 lines 18-21). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify McCausland to include providing products offered by a financial institution as retention incentives if McCausland's method was implemented to solve the retention problem for a financial services company instead of a cellular company, since at that time, financial services incentives would be more valuable retention tools to those customers rather than cellular services related incentives.

6. In response to claims 22 and 32, McCausland teaches the method and system wherein the step of identifying the customer as a customer segment, further comprises the step of: assigning a value (i.e. a customer worth and value)

Art Unit: 3622

to the customer based on at least one of customer payment history (i.e. non-payment indicator), customer payment habit (i.e. past due amount and days), customer behavior data (i.e. past due amount and days and non-payment indicator) and credit bureau score (i.e. customer worth factors) (col. 9 lines 59 to col. 10 lines 35, col. 12 lines 16-25, Table 3, and Figures 6 and 11).

7. In response to claims 23 and 33, McCausland teaches the method and system wherein the step of identifying the customer as a customer segment, further comprises the step of: considering information related to at least one of customer delinquency (i.e. a debt on which payment is overdue as indicated by past due amount and days and a non-payment indicator) (col. 9 lines 61 to col. 10 lines 2 and Table 3) data and customer attrition data.

8. In response to claims 24 and 34, McCausland teaches the method and system further comprising the step of: offering the customer another one (i.e. multiple offers may be presented) of the identified one or more incentives for retaining the customer in response to the request (col. 13 lines 15-29 and 53- to col. 14 lines 14, and Figures 11 and 12).

9. In response to claims 25 and 35, McCausland teaches the method and system wherein the step of identifying one or more incentives further comprises the step of: applying one or more restrictions on the one or more incentives based on the one or more profitability factors (i.e. selected offers are presented based on the value associated with the customer and more lucrative offers are presented to more valuable customers) (abstract, col. 13 lines 53 to col. 14 lines 14, and Figure 12).

Art Unit: 3622

10. In response to claims 26 and 36, McCausland teaches the method and system wherein the request comprises one or more of a telephone call (i.e. either the customer calls or the ORU proactively calls the customer) (col. 3 lines 60-65, col. 11 lines 42-44, and col. 14 lines 3-6) and Internet communication.

11. In response to claims 27 and 37, McCausland teaches the method and system wherein the one or more profitability factors comprise one or more of customer payment delinquency (i.e. a debt on which payment is overdue as indicated by past due amount and days) (col. 9 lines 61 to col. 10 lines 2 and Table 3) and customer ability to pay (i.e. non-payment indicator) (Table 3).

12. In response to claims 28 and 38, McCausland teaches the method and system wherein the step of identifying the request further comprising the step of: identifying a product associated with the customer (i.e. the handset of the cellular phone) (col. 5 lines 40-54 and col. 11 lines 44-51), wherein the one or more incentives comprises an adjustment to the product (i.e. an adjustment to the cellular phone unit or an adjustment to the offer based on the value of the customer) (abstract, col. 9 lines 16-22, col. 13 lines 53 to col. 14 lines 14, and Figure 12).

13. In response to claims 21 and 31, McCausland does not teach the method and system wherein the one or more incentives comprise a product offered by a financial institution. Gasner teaches the customer retention method wherein the one or more incentives comprise a product offered by a financial institution (page 3 lines 18-21). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify McCausland to include providing

Art Unit: 3622

products offered by a financial institution as retention incentives if McCausland's method was implemented to solve the retention problem for a financial services company instead of a cellular company, since at that time, financial services incentives would be more valuable retention tools to those customers rather than cellular services related incentives.

Response to Arguments

14. After careful review of Applicant's remarks/arguments filed on 06/27/2006, the Examiner fully considered the arguments, but they are not persuasive.

15. Applicant argues that McCausland does not teach the steps of "identifying the request as a request type from a list of predetermined request types." The Examiner respectfully disagrees and would like to point the Applicant to col. 8 lines 49 to col. 9 lines 54 and Table 2 where it is indicated in a list of what type of a problem a customer is experiencing, and this list can be pulled up by the agent in response to a customer call regarding a problem for which the customer is seeking a resolution.

16. Applicant also argues that McCausland does not teach "identifying one or more incentives, at an incentive module, based on the request type, the customer segment and one or more profitability factors associated with the provider of the one or more incentives" and that there is no mention of basing the incentive on the combination of these three elements. The Examiner respectfully disagrees would like to point the Applicant to col. 8 lines 49 to col. 9 lines 54 and Table 2 for a disclosure of the steps of identifying the request as a request type (i.e. what type of a problem a customer is experiencing), to col. 12 lines 4-63 for

Art Unit: 3622

identifying the customer as a customer segment (i.e. how vulnerable is the customer, what's the customer worth, and how serious are the customer problems is the type of information that can be utilized to segment customers), and to col. 13 lines 53-60 and col. 14 lines 22-27 for identifying one or more incentives that are performed in response to the step of receiving a request from a customer (i.e. based on what type of a problem reports he is having by calling, solutions such as free minutes or a free battery pack may be offered) and based on customer profitability as disclosed in col. 10 lines 62-64 and col. 13 lines 53-67. Therefore, McCausland specifically teaches the combination of request type, customer segment, and profitability factors in determining incentives.

17. Applicant also argues that McCausland fails to disclose at least "wherein the one or more incentives comprises at least one product or service offered by a financial institution" and that the Office Action has failed to provide proper motivation for combining McCausland and Gasner. The Applicant also states that the Office Action fails to explain why one of ordinary skill in the art would have been motivated to make the proposed substation absent of improper hindsight. The Examiner respectfully disagrees with the Applicant for several reasons. First of all, the function of both the McCausland and the Gasner references is to retain customer loyalty similar to the function of the Applicant's proposed invention. Secondly, incentives are typically based on the product or service at hand to make that product or service cheaper and thereby more attractive to the consumer. Again, both of the prior art references and the Applicant's proposed invention seek to offer incentives to make the product or

Art Unit: 3622

service cheaper and more attractive for the consumer. Examiner's motivation from combining McCausland and the Gasner references is that it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify McCausland to include providing products offered by a financial institution as retention incentives if McCausland's method was implemented to solve the retention problem for a financial services company instead of a cellular company, since at that time, financial services incentives would be more valuable retention tools to those customers rather than cellular services related incentives. Therefore, there is proper motivation to combine the references, and one of ordinary skill in the art would have been motivated to make the proposed, absent of hindsight especially since the two prior art references are concerned with retaining customer loyalty for the company's respective product or service, and the incentive would thereby need to be geared towards reducing the price of that particular product or service.

In response to applicant's argument that there motivation to combine references must come from the teachings of the prior art, the Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, obviousness is established by combining McCausland's teachings with the

Art Unit: 3622

motivation found in the knowledge generally available to one of ordinary skill in the art. Specifically, it would be obvious to offer incentives to reduce the price of the product or service being sold by an entity to make it more enticing for the customers to try out a product or retain customer loyalty. So, it would be obvious to alter the incentives from free minutes for example to an interest rate reduction when applying the method to a cell phone customer versus a banking customer.

Conclusion

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namrata (Pinky) Boveja whose telephone

Art Unit: 3622

number is 571-272-8105. The examiner can normally be reached on Mon-Fri, 8:30 am to 5:00 pm.

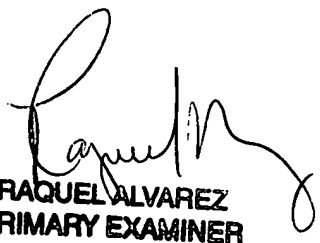
If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The **Central FAX** phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 1866-217-9197 (toll-free).

Namrata Boreja

NB

September 4th, 2006


RAQUEL ALVAREZ
PRIMARY EXAMINER